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## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 3rd February 1961 :—

Issue No.	No. and date	Issued by	Subject
15	S. O. 260, dated 28th January, 1961.	Ministry of Information and Broadcasting.	Approval of films specified therein.
16	S.O. 261, dated 31st January, 1961.	Ministry of Commerce and Industry.	Amendment to S.O. No. 1899 dated 1st August, 1960.
17	S.O. 309, dated 2nd February, 1961.	Ministry of Steel, Mines and Fuel.	Amendment to Notification No. ISC/AP/62/60, dated 24th December, 1960, published in Part III—Section I of the Gazette of India.
18	S.O. 310, dated 2nd February, 1961.	Ministry of Commerce and Industry.	The Motor Cars (Distribution and Sale) Control Amendment Order, 1961.
	S. O. 311, dated 2nd February, 1961.	Do.	The Scooter (Distribution and Sale) Control Amendment Order, 1961.
19	S. O. 312, dated 3rd February, 1961.	Ministry of Finance.	Appointing 3rd February, 1961, on which the U.P. Sugarcane Cess (Validation) Ordinance, 1961, shall come into force.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

**PART II—Section 3—Sub-section (ii)**

**Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).**

**MINISTRY OF HOME AFFAIRS**

*New Delhi, the 1st February 1961*

**S.O. 318.**—In exercise of the powers conferred by entry 3(b) of the table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify Maharaj Kumar Surendra Singh, heir-apparent of the ruler of Beri, for the purposes of that entry, and directs that the exemption shall be valid in respect of 1 gun/rifle and 1 pistol/revolver.

[No. 16/1/61-P.IV.]

C. P. S. MENON, Dy. Secy.

**MINISTRY OF EXTERNAL AFFAIRS**

*New Delhi, the 28th January 1961*

**S.O. 319.**—In exercise of the powers conferred by the proviso to article 309 of the constitution, the President hereby directs that the following further amendments shall be made to the Indian Frontier Administrative Service Rules, 1956, namely:—

In Schedule I of the said rules,

- (1) after serial No. (xi) under Duty Posts in Grade I, the following shall be inserted, namely:—
  - (xii) Deputy Commissioner, Kinnaur District, Himachal Pradesh.
- (2) the existing serial Nos. (xii), (xiii) and (xiv) under Duty Posts in Grade I shall be renumbered as (xiii), (xiv) and (xv) respectively.
- (3) the figure '36' appearing against the word 'Total' under Duty Posts in Grade I shall be substituted by the figure '37'.

The amendments hereby made shall be deemed to have been taken effect on and from 7th June, 1960.

[No. 61-NEFA/61.]

HAR MANDER SINGH, Dy. Secy.

**CABINET SECRETARIAT**

**(Central Statistical Organisation)**

**(Establishment I Section)**

*New Delhi, the 7th February 1961*

**S.O. 320.**—In pursuance of sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendments in the Schedule to the notification of the Government of India in the Cabinet Secretariat No. S.R.O. 633 dated the 28th February, 1957, namely:—

In Part III of the said Schedule, under the heading "Central Statistical Organisation", for the existing entry "Deputy Director (Administration)" in columns 2 and 3, the entry "Under Secretary" shall be substituted.

[No. F. 13/3/59.Estt.]

K. L. TULI, Under Secy.

**MINISTRY OF FINANCE****(Department of Expenditure)***New Delhi, the 1st February 1961*

**S.O. 321.**—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958, (Published as S.O. 2614 in the Gazette of India, dated the 20th December, 1958.), namely:

*Amendment No. 84*

In Schedule I to the Rules, under "D-Ministry of Finance (Economic Affairs Department)", insert the following:—

"9. Administrator, Rehabilitation Finance Administration Unit, New Delhi."  
(This amendment takes effect from the 1st January, 1961.)

[No. 19(27)-E. II(A)/60.]

C. R. KRISHNAMURTHI, Dy. Secy.

**(Department of Economic Affairs)***New Delhi, the January 31, 1961*

**S.O. 322.**—In exercise of the powers conferred by sub-section (3) of section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby adds to the Schedule to the said Act, the name of the following Public Institution, namely:—

"Uttar Pradesh Financial Corporation established (incorporated) under the State Financial Corporations Act, 1951 (63 of 1951)".

[No. F. 6(26)-Corp/60.]

M. K. VENKATACHALAM, Dy. Secy.

## (Department of Economic Affairs)

New Delhi, the 1st February, 1961

S.O. 323.—Statement of the Affairs of the Reserve Bank of India, as on the 27th January, 1961.

## BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up . . . . .	5,00,00,000	Notes . . . . .	22,88,61,000
Reserve Fund . . . . .	80,00,00,000	Rupee Coin . . . . .	2,78,000
National Agricultural Credit (Long-term Operations) Fund . . . . .	40,00,00,000	Subsidiary Coin . . . . .	6,59,000
National Agricultural Credit (Stabilisation) Fund . . . . .	5,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills . . . . .	56,30,07,000
Deposits :—			
(a) Government		Balances held abroad* . . . . .	19,65,84,000
(1) Central Government . . . . .	53,04,93,000	**Loans and Advances to Governments . . . . .	35,99,71,000
(2) Other Governments . . . . .	21,47,36,000	Other Loans and Advances† . . . . .	140,27,80,000
(b) Banks . . . . .	78,27,02,000	Investments . . . . .	152,88,52,000
(c) Others . . . . .	94,60,86,000	Other Assets . . . . .	17,60,65,000
Bills Payable . . . . .	26,40,57,000		
Other Liabilities . . . . .	41,89,83,000		
TOTAL . . . . .	445,70,57,000	TOTAL . . . . .	445,70,57,000

\*Includes Cash &amp; Short-term Securities.

\*\*Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 18,80,50,000/- advanced to scheduled banks against usance bills under Section 17 (4) (c) of the Reserve Bank of India Act.

Dated the 1st day of February, 1961.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 27th day of January 1961.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department . . . .	22,88,61,000		A. Gold Coin and Bullion :—		
Notes in circulation . . . .	1909,48,95,000		(a) Held in India . . . .	117,76,03,000	
Total Notes issued . . . .		1932,37,56,000	(b) Held outside India . . . .	..	
			Foreign Securities . . . .	128,00,89,000	
			TOTAL OF A . . . .		245,76,92,000
			B Rupee Coin . . . .		124,57,82,000
			Government of India Rupee Securities . . . .		1561,02,82,000
			Internal Bills of Exchange and other commercial paper . . . .		..
TOTAL LIABILITIES . . . .		1932,37,56,000	TOTAL ASSETS . . . .		1932,37,56,000

Dated the 1st day of February, 1961.

H. V. R. IENGAR,  
Governor.

[No. F. 3(2)-BC/61.]

A. BAKSI, Jt. Secy.

**(Department of Revenue)****INCOME-TAX***New Delhi, the 1st February 1961*

**S.O. 324.**—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Government is pleased to appoint Shri S. H. Bhat as Commissioner of Income-tax.

This notification shall take effect from the 19th January, 1961 (afternoon).

[No. 11 (F. No. 55/1/61-IT).]

D. V. JUNNARKAR, Under Secy

**(Department of Revenue)****INCOME-TAX ESTABLISHMENTS***New Delhi, the 3rd February 1961*

**S.O. 325.**—Consequent on his posting as Income-tax Officer in the charge of the Commissioner of Income-tax, Bombay City, the powers conferred on Shri T. S. Kasturi by the Ministry of Finance (Department of Revenue) Notification No. 295—Income-tax Establishments, dated the 7th November 1960, are hereby withdrawn.

[No. 33.]

D. SUBRAMANIAN, Dy. Secy.

**(Department of Revenue)****CUSTOMS***New Delhi, the 11th February 1961*

**S.O. 326.**—In exercise of the powers conferred by section 6 of the Sea Customs Act, 1878 (8 of 1878), the Central Government hereby directs that for the word "Supervisors" occurring in each of the notifications specified below, the word "Sub-Inspectors" shall be substituted:—

1. Ministry of Finance (Revenue Division) Notification Customs No. 66 dated the 23rd December, 1952.
2. Ministry of Finance (Revenue Division) Notification Customs No. 31 dated the 8th May, 1953.
3. Ministry of Finance (Revenue Division) Notification Customs No. 65 dated the 22nd August, 1953.
4. Ministry of Finance (Central Board of Revenue) Notification No. 17 dated the 28th April, 1956.
5. Ministry of Finance (Department of Revenue) Notification Customs No. 118 dated the 25th May, 1957.
6. Ministry of Finance (Department of Revenue) Notification Customs No. 160 dated the 17th May, 1958.
7. Ministry of Finance (Department of Revenue) Notification Customs No. 193 dated the 21st June, 1958.

[No. 11/F. No. 100/93/60-L.C.I.]

M. C. DAS, Dy. Secy.

**CENTRAL BOARD OF REVENUE****INCOME-TAX***New Delhi, the 1st February 1961*

**S.O. 327.**—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject the Central Board of Revenue hereby

directs that Shri S. H. Bhat, a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or such incomes or classes of incomes or such cases or classes of cases as are comprised in the Income-tax Circles Wards or Districts in the State of Kerala and the Union Territory of Laccadive, Minicoy and Ammindi Islands.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any Income-tax authority outside his jurisdictional area.

While performing the said functions the said Shri Bhat shall be designated as the Commissioner of Income-tax, Kerala with headquarters at Ernakulam.

This notification shall take effect from the 19th January, 1961 (afternoon).

#### *Explanatory Note*

**NOTE.**—The amendments have become necessary due to a change in the incumbent of the Commissioner's post.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 12 (F. No. 55/1/61-IT).]

*New Delhi, the 6th February 1961*

**S.O. 328.**—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following further amendments in the Schedule appended to its notification S.O. 660 No. 35-Income-tax, dated the 22nd April, 1958 namely:—

In the said Schedule, under the sub-head "XII-Madras" against Coimbatore Range, the existing entries at Serial Nos. 8 to 12 shall be deleted.

This notification shall take effect from the 13th February, 1961.

#### *Explanatory Note*

**NOTE.**—The amendments have become necessary on account of the re-organisation of the Appellate Assistant Commissioners' Ranges in the Charge of the Commissioner of Income-tax, Madras.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 13 (F. No. 50/147/60-I.T.).]

**S.O. 329.**—In exercise of the powers conferred by sub-section 4 of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue makes the following amendments in the Schedule appended to its notification S.O. 660 (No. 35-Income-tax), dated the 22nd April, 1958 namely:—

In the Schedule under the sub-head "X-Kerala" for all the existing entries in columns 1 and 2 the following entries shall be substituted, namely:—

#### **Trivandrum**

1. I.T. Circle, Trivandrum
2. Spl. Inv. Circle, Trivandrum
3. Salary Circle, Trivandrum
4. I.T. Circle, Quilon
5. I.T. Circle, Kottayam
6. I.T. Circle, Alleppey
7. I.T. Circle, Alwaye and
8. Special Survey Circle, Ernakulam (in respect of persons who have their principal place of business in or reside within the jurisdiction of the I.T. circles mentioned above).

**Ernakulam**

1. I.T. Circle, Mattancherry
2. I.T. Circle, Ernakulam
3. I.T. Circle, Trichur
4. Special Survey Circle, Ernakulam (in respect of persons who have their principal place of business in or reside within the jurisdiction of the I.T. circles mentioned above) and
5. Estate Duty-cum-I.T. Circle, Ernakulam.

**Calicut**

1. I.T. Circle, Palghat
2. I.T. Circle, Calicut
3. I.T. Circle, Cannanore and
4. Special Survey Circle, Ernakulam (in respect of persons who have their principal place of business in or reside within the jurisdiction of the I.T. circles mentioned above).

This notification shall take effect from 13th February, 1961.

**Explanatory Note**

NOTE.—The amendments have become necessary on account of the re-organisation of the Appellate Assistant Commissioners' Ranges in the Charge of the Commissioner of Income-tax, Kerala.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 14 (F. No. 50/147/60-IT).]

D. V. JUNNARKAR, Under Secy.

**CENTRAL EXCISE COLLECTORATE HYDERABAD (DN.)****CENTRAL EXCISE**

Hyderabad, the 23rd January 1961

**SUBJECT:—Central Excise—Period of preservation of Central Excise documents—regarding.**

**S.O. 330.**—In exercise of the powers vested in me under rule 233 of the Central Excise Rules, 1944, I direct that the Central Excise Licensees required to maintain the following records shall preserve the same for the period mentioned against each:—

Description of C.E. Records		Subject	Period of preservation (in years, after completion of record/register)
1	2	3	4
<b>ENTRY BOOKS</b>			
1. E.B.3	.	Entry book for wholesale dealer in unmanufactured tobacco purchaser of other unmanufactured products from a curer.	3
2. E.B.4	.	Entry book for store-room for excisable goods on which duty has not been paid.	3
2A. E.B.4 (Matches)	.	Entry Book for Match factory store-room	3
3. E.B.5	.	Entry book for store-room for removal of Dhories.	3



1	2	3	4
REGISTERS			
4. R.G. 1	.	Register of daily stock account of excisable goods.	I
5. R.G. 2	.	Daily account of splints, veneers and composition of match heads.	I
6. R.G.3	.	Register of stocks and receipts of match Banderols purchased for cash.	I
7. R.G. 3	.	Do. obtained on credit	I
8. R.G.4	.	Register of cane account (Sugar Fys)	I
9. R.G. 5	.	Register of Gur account ( " )	I
10. R.G.6 (C)	.	Register of daily manufacture (Central Sugar Factories).	I
11. R.G. 6(G)	.	Register of daily manufacture (Central Refineries).	I
12. R.G.7	.	Daily drier house account (Sugar Factories).	I
13. R.G.8	.	Sugar store account	I
14. R.G. 9	.	Gunny bags accounts	I
15. R.G. 10	.	Raw materials used and Khandasari/Palmyra Sugar manufactured and issued	I
16. R.G.11	.	Daily account of sugar received for crushing.	I
17. R.G.12	.	Register of manufacture of excisable tobacco products.	I
18. R.G. 13	.	Register of tobacco excise labels	I
19. R.G.14	.	Register of sugar received for manufacture of confectionery.	I
20. R.G. 15	.	Register of manufacture and issue of confectionery for export.	I
21. R.G.16	.	Register of excisable goods used without payment of duty for special industrial purposes and of commodities manufactured therefrom.	I
22. R.G.17	.	Register of daily account of loose tea utilised in the production of package tea.	I
23. R.G.18	.	Register of powerlooms or power knitting machines employed in the production of cotton fabrics Rayon or Artificial Silk fabrics.	I
24. R.G.19	.	Register of different kinds of equipment employed in the manufacture of VNE Oils with the aid of power.	I
25. R.G.20	.	Register showing the times for storing and closing the factories each day.	I
26. R.G.21	.	Register of different kinds of centrifugals employed in the manufacture of Khandasari sugar under the special procedure.	I
7. W.R.G.2	.	Register for private bonded warehouse	4
28. Weighment register	.	Maintained in Tobacco warehouses	4
29. ....	.	Blending and cutting account (Cigarette factories).	3

1	2	3	4
30.	....	Cut tobacco store account (Cigarette factories).	3
31.	....	Cigarette manufacturing account (Cigarette factories).	1
32.	....	Packing account (Cigarette Factories)	1
33.	....	Waste Cigarettes account „	1

## APPLICATIONS FOR REMOVALS .

## Applications for removal of—

34. A.R.1	.	Excisable goods on payment of duty	5
35. A.R.2	.	Matches from the finishing room to store room.	5
36. A.R.3	.	Excisable goods from one bonded warehouse to another.	5
37. A.R.4	.	Excisable goods for export by sea or post	2
38. A.R.4 (Land)	.	Excisable goods for export by land	2
39. A.R.5 (Confec)	.	Confectionery for export under claim for rebate.	5
40. A.R. 6	.	Cotton fabrics/Rayon or Artificial Silk Fabrics produced in powerlooms or power knitting machines.	4
41. A.R.7	.	Of Vegetable non-essential oils produced with the aid of power.	4
42. A.R.8	.	Of Khandsari Sugar produced under the special procedure.	4

## MISCELLANEOUS

43. Gate pass	.	For transport of excisable goods from a factory.	4
44. Stock Card	.	Maintained in warehouses/factories by licensees.	3

[No. 1/61.]

B. SEN,  
Collector.

## MINISTRY OF COMMERCE AND INDUSTRY

## ORDER

*New Delhi, the 31st January 1961*

**S.O. 331.**—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints the following persons to be members of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.O. 1809, dated the 18th July, 1960 for the scheduled industries engaged in the manufacture or production of Oils, Soaps and Paints, till the 17th

July, 1962 and directs that the following amendments shall be made in the said Order, namely:—

(a) In paragraph 1 of the said Order after entry No. 10 relating to Shri Krishna Kapoor, the following entries shall be inserted, namely:—

- “ 10A. Shri S. N. Aggarwal, M/s Prag Oil and Ice Mills Ltd., Aligarh. Owners . . Member.  
 “ 10B. Shri C. V. Miriwala, M/s Bombay Oil Industries, Bombay. Owners . . Member.  
 “ 10C. Shri M. G. Konibhaskar, Managing Director, M/s Navsari Oil Products Ltd., Vijal-pore Road, Navsari (Distt. Surat). Owners . . Member.

(b) In paragraph 1 of the said Order after entry No. 13B relating to Shri V. Kannan, the following entry shall be inserted:—

- “ 13C. Shri K. G. Mathur, M/s Kusum Products Ltd., Rishara, Distt. Hooghly (West Bengal). Technical Knowledge Member.  
 “ 13D. Mr. T. Korner, M/s East Asiatic Co. (India) Ltd., Mercantile Bank Building, P.B. No. 146, Madras. Do. . . Member.  
 “ 13E. Shri M. L. Sahoo, M/s. Asiatic Soap Co. Ltd., 8, Dalhousie Square, Calcutta. Do. . . Member.

[No. 4(8)IA(IV)/60.]

D. HEJMADI, Dy. Secy.

New Delhi, the 30th January 1961

#### TRADE AND MERCHANDISE MARKS

**S.O. 332.**—The following draft of certain amendments which the Central Government, being convinced that it is necessary in the public interest so to do, proposes to make in exercise of the powers conferred by sub-sections (1) and (3) of section 117 of the Trade and Merchandise Marks Act, 1958 (43 of 1958) in the notification of the Government of India in the Ministry of Commerce and Industry, Trade and Merchandise Marks, No. S.O. 3093, dated the 23rd December, 1960, is published as required by sub-section (4) of the said section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 4th March, 1961.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

#### Draft Amendments

In the said notification—

(a) in clause (d) of paragraph 5, for the words “associations of individuals”, the words “members of unincorporated associations” shall be substituted;

(b) in the Schedule,—

(i) for the heading below Part II, the following heading shall be substituted, namely:—

“Goods made or produced within the limits of India or imported but packed or otherwise processed in India.”;

(ii) in item 31 of Part II, for the words “accessories of motor vehicles”, the words “accessories of motor vehicles other than ball and roller bearings being parts of motor vehicles” shall be substituted.

[No. 7(1)-TMP/60.]

## ORDER

## EXPORT TRADE CONTROL

*New Delhi, the 11th February 1961*

**S.O. 333.**—In exercise of the powers conferred by Sections 3 and 4A of the Imports and Exports (Control) Act, 1947 (18 of 1947), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Exports (Control) Order, 1958, namely:—

In Schedule I to the said Order:—

Under the heading "B. RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED", for item 4, the following shall be substituted:—

"4. Metallurgical residues i.e. drosses, skimmings, slags, ashes, slimes and flue dust other than those of silver."

[No. Export (1)/AM(37).]

M. H. SIDDIQI, Under Secy.

(Office of the Textile Commissioner)

*Bombay, the 24th January 1961*

**S.O. 334.**—In pursuance of Sub-clause (d) of Clause 2 of the Cotton Textiles (Production by Handloom) Control Order, 1956, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. S.R.O. 1589 dated the 23rd June, 1956, namely:—

2. In the table appended to the said Notification for the existing entries in columns (1), (2) and (3) against Serial Number 7, the following shall be substituted respectively, namely:—

"(1) Regional Director of Industries & Commerce, Trivandrum.	} Kerala"
(ii) Regional Director of Industries and Commerce, Ernakulam.	
(iii) Regional Director of Industries and Commerce, Calicut.	

[No. 4(79)Tex(c)/59.]

W. R. NATU, Textile Commissioner.

(Office of the Chief Controller of Imports and Exports)

## ORDER

*New Delhi, the 4th February 1961*

**S.O. 335.**—Whereas M/s. Pioneer Commercial Co., 33, Bunder Street, Madras-I or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. CCI:I(C)/45/60/95, dated the 13th January, 1961, proposing to cancel Licences Nos. G991922/60/GC/CCI and G991923/60/GC/CCI both dated 22nd September 1960, valued at Rs. 30,000 each for the import of Brake Lining and Piston Rings below 6" dia., respectively, from the Soft Currency Area except Union of South Africa, granted in the name of the said M/s. Pioneer Commercial Co., 33, Bunder Street, Madras-I, by the Chief Controller of Imports and Exports, New Delhi, Government of India, in the Ministry of Commerce and Industry, in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955, hereby cancel the said licences Nos. G991922/60/GC/CCI and G991923/60/GC/CCI both dated 22nd September 1960 issued in the name of the said M/s. Pioneer Commercial Co., 33, Bunder Street, Madras-I.

[No. CCI:I(C)/45/60.]

S. P. CHABLANI,

Joint Chief Controller of Imports & Exports  
For Chief Controller of Imports & Exports.

(Office of the Deputy Chief Controller of Imports & Exports)

(Central Licensing Area)

New Delhi, the 11th February 1961

Corrigendum to Order No. DCCI/PS/M-3/59 dated the 7th September, 1960.

**S.O. 336.**—In the last but one line of the order referred to above, the date of Licence No. E-943556/57/CCI/D may be read as 3rd January, 1958 instead of 3rd January, 1960.

[No. DCCI/PS/M-3/59.]

RAM MURTI SHARMA,

Dy. Chief Controller of Imports and Exports.

(Indian Standards Institution)

New Delhi, the 30th January 1961

**S.O. 337.**—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for certain products/classes of products, details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 15th February 1961.

THE SCHEDULE


Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
1.	Covering Chocolates	IS : 1163-1958 Specification for Covering Chocolate.	One kg	2 nP per unit
2.	Cocoa-Powder	IS : 1164-1958 Specification for Cocoa-Powder.	One kg	2 nP per unit

[No. MD/18 : 2]

**S.O. 338.**—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Standard Marks, designs of which together with the verbal description of the designs and the titles of the relevant Indian Standards are given in the Schedule hereto annexed, have been specified.

These Standard Marks, for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the rules and regulations framed thereunder, shall come into force with effect from 15th February 1961.

THE SCHEDULE

Design of the Standard Mark	No. and title of relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)
<p>1. <b>IS:1163</b></p> 	IS : 1163-1958 Specification for Covering Chocolate	The monogram of the Indian Standards Institution, consisting of letters ISI, drawn in the exact style and relative proportions as indicated in column (1), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.



IS : 1164—1958 Specification for Cocoa-Powder.

The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in column (1), the number designation of the Indian Standard being superscribed on the top side of the monograms and the word 'DC' and 'LF' being subscribed under the bottom side of the monograms for Drinking Cocoa-Powders and Low Fat Cocoa-Powders respectively as indicated in the designs.

New Delhi, the 2nd February 1961

**S.O. 339.**—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that twenty licences, particulars of which are given in the Schedule hereto annexed have been renewed.

THE SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article covered by the Licence	Relevant Indian Standard
		From	To			
1	CM L-44 20-1-58 .	1-2-61	31-1-62	M/s. Shalimar Tar Products (1935) Ltd., 6 Lyons Range, Calcutta.	Naphthalene . . .	IS: 539-1955 Specification for Naphthalene.
2	CM L-45 20-1-58 .	1-2-61	31-1-62	M/s. B.S. & Co. 6 Nabin Chandra Das Lane, Baranagar Calcutta-36. (Plywood Mills No. I).	Tea-chest plywood panels .	IS: 10-1953 Specification for Plywood Tea-Chests (Revised).
3	CM L-46 20-1-58 .	1-2-61	31-1-62	M/s. B.S. and Company P.O. Nagarakata, Distt. Jalpaiguri, West Bengal (Plywood Mills No. II).	"	"
4	CM L-47 20-1-58 .	1-2-61	31-1-62	M/s. Hansur Plywood Works, P.O. Hansur (Mysore State).	"	"
5	CM L-48 20-1-58 .	1-2-61	31-1-62	The Bharat Plywood and Timber Products Ltd., Cannanore (North Malabar).	"	"
6	CM L-50 20-1-58 .	1-2-61	31-1-62	M/s. East India Plywood Co., Private Limited, 2 Netaji Subhas Road, Calcutta.	"	"
7	CM L-51 20-1-58 .	1-2-61	31-1-62	M/s. Jeypore Timber and Veneer Mills Private Ltd., Dibrugarh, Distt. Lakhimpur, Upper Assam.	"	"
8	CM L-52 20-1-58 .	1-2-61	31-1-62	The Malabar Plywood Works, Cheruvannur, Feroke (Kerala State).	"	"
9	CM L-53 20-1-58 .	1-2-61	31-1-62	M/s. South India Plywood Industries, Market Landing, Kottayam (Kerala State).	"	"

Sl. No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article covered by the Licence	Relevant Indian Standard
		From	To			
10	CM L-55 20-1-58 .	1-2-61	31-1-62	M/s. Albion Plywood Ltd., 11, Clive Row, Calcutta-1.	Tea-chest plywood panels.	IS: 10-1953 specification for plywood Teachests ( <i>Revised</i> )
11	CM L-56 20-1-58 .	1-2-61	31-1-62	The Great Indian Plywood Mfg. Co., 76 Jessore Road, Dum Dum, Calcutta-28.	"	"
12	CM L-58 20-1-58 .	1-2-61	31-1-62	M/s. Assam Bengal Veneer Industries Private Limited, 9, Clive Row, Calcutta-1. (Factory at Calcutta).	"	"
13	CM L-59 20-1-58 .	1-2-61	31-1-62	Do. (Factory at Oodlabari).	"	"
14	CM L-60 20-1-58 .	1-2-61	31-1-62	The Standard Furniture Company Limited, Kallai, Kozhikode-3. (Kerala State).	"	"
15	CM L-61 20-1-58 .	1-2-61	31-1-62	M/s. Assam Saw Mills and Timber Company Ltd., 62 Ballygunge Circular Road, Calcutta-1.	"	"
16	CM L-113 19-1-59 .	1-2-61	31-1-62	M/s. Phoenix Plywood, Kottayam, Kerala.	"	"
17	CM L-114 19-1-59 .	1-2-61	31-1-62	M/s. Venus Plywood Co., Nemmara Post Office, Kerala.	"	"
18	CM L-158 15-1-60 .	1-2-61	31-1-62	The Aluminium Industries Ltd, Hirakud, Distt. Sambalpur.	Steel-Cored and Plain Stranded Aluminium Conductors of all types and sizes.	IS:398-1953 Specification for Hard-Drawn Stranded Aluminium and Steel-Cored Aluminium Conductors for Overhead Power Transmission Purposes ( <i>Tentative</i> ).
19	CM L-160 15-1-60 .	1-2-61	31-1-62	The Indian Iron & Steel Co., Ltd., 12, Mission Row, Calcutta.	Flushing Cisterns . . .	IS:774-1957 Specification for Flushing Cisterns for Water Closets and Urinals.
20	CM L-161 15-1-60 .	1-2-61	31-1-62	M/s. Patiala Biscuit Manufacturers Private Ltd., Rajpura (Punjab).	Biscuits (excluding Wafer Biscuits).	IS:1011-1957 Specification for Biscuits (excluding Wafer Biscuits).

[No. MD/12:24].



**S.O. 340.**—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955 the Indian Standards Institution hereby notifies that twelve licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark.

# THE SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article/Process covered by the licence	Relevant Indian Standard
		From	To			
1	CM/L-259 13-1-61.	15-1-61	14-1-62	M/s. Tin Printing & Metal Works Limited, Kamlanagar, Subzimandi, Delhi-6.	18-Litre Square Tins	IS:916-1958 Specification for 18-Litre Square Tins.
2	CM/L-260 19-1-61.	1-3-61	28-2-62	M/s. Chelpark Company (Private) Ltd., 37-L, Mount Rd., Guindy, Madras-15.	Ferro-Gallo Tannate Fountain Pen Ink (0.1 per cent Iron Content).	IS:220-1959 Specification for Ferro-Gallo Tannate Fountain Pen Ink (0.1 per cent Iron content).
3	CM/L-261 19-1-61.	1-3-61	28-2-62	Do.	Dye Based Fountain Pen Inks, (Blue, Green, Violet, Black and Red).	IS: 1221-1957 Specification for Dye Based Fountain Pen Inks (Blue, Green, Violet, Black and Red).
4	CM/L-262 19-1-61.	1-2-61	31-1-62	The Indian Tube Company (1953) Ltd., 41 Chowringhee Road, Calcutta-16.	Steel Tubes for Bicycles, Seat Pillars.	IS:626-1955 Specification for Seat Pillars (Tentative).
5	CM/L-263 19-1-61.	Do.	Do.	Do.	Steel Tubes for Pedal Assembly	IS:628-1955 Specification for Bicycle Pedal Assembly (Tentative).
6	CM/L-264 24-1-61.	26-1-61	25-1-62	M/s. Enamelled Wires Pvt. Ltd., 403 Commerce House, Meadows Street, Bombay-1.	Synthetic Enamelled Wire	IS:1595-1960 Specification for Enamelled High-Conductivity Annealed Round Copper Wire (Synthetic Enamel).
7	CM/L-265 30-1-61.	15-2-61	14-2-62	M/s. Sathe Biscuit & Chocolate Co. Ltd., 820 Bhavani Peth, Poona-2.	Covering Chocolate	IS:1163-1958 Specification for Covering Chocolate.
8	CM/L-266 30-1-61.	Do	Do.	Do.	Cocoa Powder	IS:1164-1958 Specification for Cocoa Powder.

Sl. No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article/Process covered by the Licence	Relevant Indian Standard
		From	To			
9	CM/L-267 30-1-61.	1-2-61	31-1-62	M/s. Davidayal (Sales) Private Ltd., Gupta Mills Estate, Reay Road, Darukhana, Bombay.	BHC Dusting Powders	IS:561-1958 Specification for BHC Dusting Powders (Revised).
10	CM/L-258 30-1-61.	Do.	Do.	M/s. All India Medical Corpn., Mulji Jetha Building, 185, Princess Street, Bombay.-2.	BHC Water Dispersible Powder Concentrates.	IS:562-1958 Specification for BHC Water Dispersible Powder Concentrates.
11	CM/L-269 30-1-61.	Do.	Do.	M/s. Flintrock Products Pvt. Ltd., Belvedere Road, Mazagaon, Bombay-10.	DDT Water Dispersible Powder Concentrates.	IS:565-1955 Specification for DDT Water Dispersible Powder Concentrates.
12	CM/L-270 31-1-61.	15-2-61	14-2-62	M/s. Kathiawar Metal & Tin works (P) Ltd., 9 Lati Plot, Near City Station, Rajkot.	18-Litre Square Tins	IS:916-1958 Specification for 18-Litre Square Tins.

[No. MD/12:559]

S.O. 341.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed, have been published during the period 16th January to 31st January 1961.

THE SCHEDULE

SL No.	No. and title of the Indian Standard established	No. and title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1	IS:374-1960 Specification for Electric Ceiling Fans and Regulators ( <i>Revised</i> ).	IS:374-1951 Specification for Electric Ceiling Fans.	This standard specifies the requirements and methods for tests of capacitor and non-capacitor type AC ceiling fans as well as DC ceiling fans, including the associated speed regulators. (Price Rs. 3'00).
2	IS:555-1960 Specification for Electric Table Type Fans and Regulators ( <i>Revised</i> ).	IS:555-1957 Specification for Table Type Electric Fans ( <i>Tentative</i> ).	This standard specifies the requirements and methods of tests for capacitor type AC table type fans as well as DC table type fans including the associated speed regulators. (Price Rs. 3'00).
3	IS:1400-1960 Specification for Optical Glass.	..	This standard deals with the physical characteristics and properties of optical glass, the defects and faults often come across in the material, the methods of test employed for their location, grading of optical glass according to the degree of permissibility of these common defects for different types of work, and the methods of marking and packing of the material. (Price Rs. 2'50).
4	IS:1645-1960 Code of Practice for Fire Safety of Buildings (General) : Chimneys, Flues, Flue Pipes and Hearths.	..	This standard covers requirements for fire safety of buildings in respect of chimneys, flues, flue pipes and hearths. (Price Rs. 2'00).
5	IS: 1653-1960 Specification for Steel Conduits for Electrical Wiring.	..	This standard specifies the material, dimensions and other general requirements of screwed type steel conduits (other than flexible pipes) for electrical wiring. (Price Rs. 2'00)
6	IS: 1655-1960 Code of Practice for Manufacture of Zinc Alloy Pressure Die Castings.	..	This code covers the Practices to be adopted in the manufacture of zinc alloy pressure die castings. Whatever the application, it is essential to use the zinc die casting alloy conforming to IS: 713-1955. (Price Rs. 4'00)
7	IS: 1663-1960 Method for Tensile Testing of Steel Sheet and Strip of Thickness 0.5 mm to 3 mm.	..	This standard prescribes the method of conducting tensile test on steel sheet and strip less than 3 mm and not less than 0.5 mm thick. (Price Rs. 2'00).

1	2	3	4
8	IS: 1664-1960 Specification for Mineral Mixture for Supplementing Cattle Feeds.	..	This standard prescribes the requirements and the methods of test for a mineral mixture for supplementing cattle feeds. NOTE—'Cattle' includes buffaloes also. (Price Rs. 4.50).
9	IS: 1668-1960 Specification for Lozenges.	..	This standard prescribes the requirements and methods of test for lozengers. (Price Rs. 1.50).
10	IS: 1669-1960 Specification for Cuprous Oxide Dusting Powders.	..	This standard prescribes the requirements and the methods of test for cuprous oxide dusting powders containing varying percentages of cuprous oxide, technical. (Price Rs. 2.50).
11	IS: 1671-1960 Method for Determination of Skein Breaking Load (Strength), Tenacity and Yarn Strength Index of Cotton Yarn (By constant-Rate-Of-Traversal Machine ( <i>Metric System</i> )).	IS: 239-1951 Methods for Determination of Lea Breaking Load (Strength) of Cotton yarn and its count-Lea-Strength Product.	This standard prescribes a method for determination of skein breaking load (strength), tenacity and yarn strength index of cotton yarn. (Price Rs. 2.00).
12	IS: 1672-1960 Specification for Floating Diary Thermometers.	..	This standard covers the material and dimensional requirements and methods of test for the floating diary thermometers commonly used in diary laboratories and farms. (Price Rs. 1.50).
13	IS: 1673-1960 Specification for Mild Steel Wire for the Manufacture of Machine Screws (By cold Heading Process).	..	This standard covers the requirements for two grades of cold drawn mild steel wire up to 20 mm diameter, suitable for the manufacture of machine screws by the cold heading process. (Price Rs. 1.50)
14	IS: 1674-1960 Specification for Temporary Corrosion Preventive, Fluid, Soft Film, Solvent Deposited.	..	This standard prescribes the requirements and the methods of test for temporary corrosion preventive, fluid, soft film, solvent deposited, suitable for protection of clean metal surfaces during transport and storage. (Price Rs. 3.00).
15	IS: 1675-1960 Specification for Stearic Acid, Technical	..	This standard prescribes the requirements and the methods of sampling and test for stearic acid, technical. (Price Rs. 2.00).
16	IS: 1676-1960 Specification for Oleic Acid Technical.	..	This standard prescribes the requirements and the methods of test for oleic acid, technical. (Price Rs. 2.50).
17	IS: 1677-1960 Specification for Braided Spray Hose, High Pressure, for Agricultural Purposes	..	This standard prescribes the requirements and the methods of test for spray hose, high pressure with cotton or rayon braided reinforcement, for a recommended maximum working pressure of 40.0 kg-cm <sup>2</sup> (or 600 lb-in. <sup>2</sup> ), for use in orchards, parks, forestry, tea and coffee estates for spraying mild insecticides, not containing oils or tarry matter. (Price Rs. 1.50).
18	IS: 1681-1960 Specification for Blanket, Woollen, Dyed.	..	This standard prescribes constructional details and other particular of three varieties of blankets, woollen, dyed. (Price Rs. 2.00)

19	IS: 1686-1960 Specification for Handloom Silk Bush Shirt Cloth, Loomstate.	..	This standard prescribes constructional details and other particulars of handloom silk bush shirt cloth, loomstate. (Price Rs. 1.50).
20	IS: 1687-1960 Specification for Handloom Silk Kora (Loomstate) Cloth.	..	This standard prescribes constructional details and other particulars of two varieties of handloom silk kora (loomstate) cloth. (Price Rs. 1.50).
21	IS: 1688-1960 Procedure for Determination of Fastness of Dyestuffs.	..	This standard prescribes a procedure for determining fastness of dyestuffs. (Price Rs. 1.50).
22	IS: 1689-1960 Method for Determination of Barium Activity Number of Cotton Textile Materials.	..	This standard prescribes a method for determination of barium activity number of cotton materials. (Price Rs. 1.50).
23	IS: 1690-1960 Method for Determination of Colour Fastness of Textile Materials to Nitrogen Oxides.	..	This standard prescribes a method for determination of colour fastness of textile materials to nitrogen oxides. (Price Rs. 1.50).

Copies of these Indian Standards are available for sale with the India Standards Institution, "Manak Bhavan", 9 Mathura Road, New Delhi-1 and also at its branch offices at (i) 232 Dr. Dadabhoy Naoroji Road, Bombay-1, (ii) P-11 Mission Row Extension, Calcutta-1 and (iii) 2/21 First Line Beach, Madras-1.

[No. MD/13:2]

**S.O. 342.**—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amending to the Indian Standards given in the Schedule hereto annexed have been under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

#### THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. & date of Gazette Notification in which the establishment of the Indian Standard was notified	No. & date of the Amendment	Brief particulars of the Amendment	Date of effect of the Amendment
1	2	3	4	5	6
1	IS: 750—1956 Specification for Handloom Cotton Lungies, striped or Checked	S. R. O. 372 dated 2nd February 1957	Amendment No. 1 January 1961	Table I has been amended to include eight additional varieties and certain changes in clauses 1.1 and 5.10 have been made.	16th February 1961
2	IS: 1077—1957 Specification for Common Burnt Clay Building Bricks.	S.R.O. 50 dated 4th January 1958	Amendment No. 1 January 1961	(i) In clause 3.1, line 6 please delete '1.0 cm deep' and substitute '1.0 cm or 2.0 cm deep'. (ii) At page 3, Fig. 1A, depth of frog in centimetres, please delete '1.0' and substitute '1.0 or 2.0'. (iii) At page 3, Fig. 1B please indicate the depth of frog in centimetres as '1.0 or 2.0'.	16th February 1961
3	IS: 1441—1960 Specification for Insulator Stalks for Telegraph and Telephone Lines.	S.O. 1572 dated 25th June 1960.	Amendment No. 1 December 1960	At page 8, Fig 8, please add the following note with the figure : 'NOTE—The insulator stalk thread should enter the GO gauge as far as the stalk shoulder and should not enter the NOT GO gauge by more than one and a half threads. It should also not enter the NOT GO ring gauge which checks the major diameter of the thread. The GO gauge may be used to check the thread length.'	16th February 1961

4 IS: 1445—1959 Specification S.O. 1862  
for Porcelain Insulators for dated 30th July 1960  
Overhead Lines with a Nominal Voltage Below 1000 Volts.

Amendment No. 1  
December 1960.

The existing clause 4. 1.2 has been 16th February 1961,  
deleted and substituted by the  
following :

‘4. 1.2 Except for the screw thread  
and the parts on which the porcelain is supported during firing,  
which may be left unglazed, all  
other surfaces of the insulator shall  
be efficiently glazed.’

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Copies of these amendment slips are available, free of cost, with the Indian Standards Institution, “Manak Bhavan,” 9 Mathura Road, New Delhi-1, and also at its Branch Offices at (i) 232 Dr. Dadabhai Naoroji Road, Fort, Bombay-1, (ii) P-11 Mission Row Extension, Calcutta-1 and (iii) 2/21 First Line Beach, Madras-1.

[No. MD/13:5]

C. N. MODAWAL,  
Deputy Director (Marks).

**MINISTRY OF HEALTH***New Delhi, the 2nd February 1961*

**S.O. 343.**—In exercise of the powers conferred by sub-section (4) of section 13 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby asks the following amendment in part II of the Third Schedule to the said Act, namely:—

In the said part II of the Third Schedule, after the entry "M.D. (Geneva—Switzerland)", the following entry shall be inserted, namely:—

"Doctoris in Medicina et Chirurgia (Diploma) (Santo Tomas University, Manila, Philippines)".

[No. 17-23/60-MI.]

**S.O. 344.**—In exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consultation with the Medical Council of India, hereby directs that the Medical qualification M.D. (Wayne University, Detroit, Michigan, U.S.A.) shall be a recognised medical qualification for the purposes of this Act.

[No. F. 16-19/60-M.I.]

**S.O. 345.**—In exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consultation with the Medical Council of India, hereby directs that the Medical qualification M.D. (College of Medical Evangelists, Los Angeles, California—U.S.A.) shall be a recognised medical qualification for the purposes of this Act.

[No. F. 16-17/60-M.I.]

**S.O. 346.**—In exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consultation with the Medical Council of India, hereby directs that the Medical qualification M.D. (Ohio State University, U.S.A.) shall be a recognised medical qualification for the purposes of this Act.

[No. F. 16-8/60-M.I.]

**ORDERS***New Delhi, the 2nd February 1961*

**S.O. 347.**—With reference to the notification of the Government of India, Ministry of Health No. F. 16-19/60-M.I., dated the 1st February, 1961, according recognition to the Medical qualification M.D. (Wayne University Detroit Michigan, U.S.A.) for the purposes of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the said Act, directs that the medical practice by Dr. Samuel C. Z. Pickens possessing the said qualification shall be limited to the institution of St. Martin's Hospital, C.S.I., Ramnad, South India, for a period of two years with effect from the date of this order or so long as Dr. Samuel C. Z. Pickens continues to work in the said institution for purposes of teaching, research or charitable work, whichever is shorter.

[No. F. 16-19/60-M.I.]

**S.O. 348.**—With reference to the notification of the Government of India, Ministry of Health, No. 16-8/60-M.I., dated the 1st February, 1961, according recognition to the Medical qualification M.D. (Ohio State University, U.S.A.) for the purposes of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the said Act, directs that the medical practice by Dr. H. C. Aldrich possessing the said qualification, shall be limited to the institution of Methodist Hospital, Nadlad for a period of two years with effect from the date of this order or so long as Dr. H. C. Aldrich continues to work in the said institution for purposes of teaching, research or charitable work, whichever is shorter.

[No. F. 16-8/60-M.I.]



**S.O. 349.**—With reference to the notification of the Government of India, Ministry of Health No. F. 16-17/60-M.1, dated the 1st February, 1961, according to the Medical qualification M.D. (College of Medical Evangelists, Los Angeles, California—U.S.A.) for the purposes of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the said Act directs that the medical practice by Dr. Donald D. Miller possessing the said qualification, shall be limited to the institution of Reynolds Memorial Hospital, Basim for a period of two years with effect from the date of this order or so long as Dr. Donald D. Miller continues to work in the said institution for purposes of teaching, research or charitable work, whichever is shorter.

[No. F. 16-17/60-M.1.]

**S.O. 350.**—With reference to the notification of the Government of India, Ministry of Health No. F. 17-47/59-M.1, dated the 30th March, 1960, according to the Medical qualification Candidatus Medicinae ET Chirurgiae granted by the University of Copenhagen, Denmark for the purposes of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the said Act directs that the medical practice by Dr. (Miss) Else Hoilund possessing the said qualification shall be limited to the institution of Rajadighi Christian Hospital, P.O. Baigachi Malda District, West Bengal for a period of two years with effect from the date of this order or so long as Dr. (Miss) Else Hoilund continues to work in the said institution for purposes of teaching, research or charitable work, whichever is shorter.

[No. F. 17-3/60-M.1.]

R. B. JAIN, Under Secy.

## MINISTRY OF TRANSPORT & COMMUNICATIONS

(Department of Transport)

*New Delhi, the 28th January 1961*

**S.O. 351.**—In pursuance of sub-clause (b) of clause 2 of the Imported Tourist Cars (Control) Order, 1961, the Central Government hereby appoints Shri S. N. Chib, Director-General and *ex-officio* Joint Secretary of the Department of Tourism, Ministry of Transport and Communications, Government of India, to be the Controller of Imported Tourist Cars for the purposes of the said Order.

[No. 4-TTHI(31)/60.]

(Department of Transport)

### ORDER

*New Delhi, the 28th January 1961*

**S.O. 352.**—In exercise of the powers conferred by section 18G of the Industries Development and Regulation Act, 1951 (65 of 1951), the Central Government hereby makes the following Order, namely:—

**1. Short title, extent and commencement.**—(1) This Order may be called the Imported Tourist Cars (Control) Order, 1961,

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on the 28th January, 1961.

**2. Definitions.**—In this Order.—

(a) "allottee" means a person to whom an imported tourist car has been allotted by the Controller under clause 3;

(b) "Controller" means a person appointed by the Central Government to be the Controller of Imported Tourist Cars for the purposes of this Order and includes any other person authorised by the Central Government to perform the functions assigned to the Controller by this Order;

(c) "imported tourist car" means a motor car which is imported into India whether in built-up condition or in C.K.D. units or S.K.D. units and which is declared by the Central Government or an officer authorised by that Government in this behalf to be a tourist car for the purposes of this Order and includes every such motor car whether called a station wagon, a utility type passenger car, air-conditioned car or by any other name.

**3. Allotment of imported tourist cars.**—(1) All imported tourist cars shall be allotted by the Controller to such persons, in such areas and in such numbers as he may, having regard to the matters specified in sub-clause (2), determine.

(2) In allotting imported tourist cars under sub-clause (1), the Controller shall have regard to—

- (a) the number of such cars available for allotment;
- (b) the requirements of particular areas;
- (c) the standing and the financial stability of the applicant for allotment.

**4. Sale and use of imported tourist cars.**—No imported tourist car shall be sold by an importer thereof to any person other than an allottee and no allottee shall use any imported tourist car except under and in accordance with the terms and conditions of a permit granted to him by the Controller.

**5. Restriction on resale by allottee.**—(1) Except with the special permission of the Controller in writing, no allottee shall sell or offer to sell, or enter into any other transaction involving the transfer of possession of, an imported tourist car to any other person unless—

- (a) a period of four years has expired from the date on which such car was first purchased by him on an allotment made by the Controller; and
- (b) such car has done a mileage of one hundred thousand miles.

(2) In granting or refusing special permission under sub-clause (1), the Controller shall have regard to the circumstances relating to the proposed transaction and the purposes of this Order.

**6. Effect of Order.**—The provisions of this Order shall have effect in relation to imported tourist cars in addition to, and not in derogation of, any other conditions applicable to them under any other law for the time being in force.

[No. 4-TTIII(31)/60.]

NAGENDRA SINGH, Jt. Secy.

## MINISTRY OF REHABILITATION

*New Delhi, the 31st January 1961*

**S.O. 353.**—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties, specified in the Schedule below in the State of Rajasthan for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the said schedule.

### SCHEDULE

S. No.	Name of town	Property number	Description of property	Locality	Name of evacuee owner
1.	Dholpur	C/46	House	Mohalla Khirki	Ahmed Ali son of Sher Ali.
2.	Dholpur	C/151	House	Mohalla Kachi Kui	Sukhu S/o Umriya.

S. No.	Name of town	Property number	Description of property	Locality	Name of evacuee owner
3.	Bari . . .	C/354	House	Mohalla Kiri	Smt. Noori Begum Wd/o Dost Mohd. and Smt. Nawab Begum Wd/o Khan Mohd.
4.	Bharatpur . . .	7/89	House	Near Kotwali	Yusaf Lohar s/o Karim Bux
5.	Bharatpur . . .	3/72	House	Mori Mohallah	Rahima Wd/o Zema Khan
6.	Bharatpur . . .	3/147	House	Do.	Mohmad s/o Ahmed Khan Ghaswala.
7.	Bharatpur . . .	5/23	House	Behind city Aushdhalaya	Ibrahim & Ismail Ex-head Constables Police Deptt.
8.	Bharatpur . . .	5/35	House	Behind city Aushdhalaya	Nathan Niharia s/o Rahim Bux.
9.	Bharatpur . . .	7/88	House	Near Kotwali	Ishab Loahar s/o Karim Baksh.
10.	Bharatpur . . .	7/71	Shop	Kumher Gate	Abdul Razak son of Ali Hassan.
11.	Bharatpur . . .	7/72	Shop	Do.	Do.
12.	Bharatpur . . .	7/73	House	Kumher Gate	Azizul Hussain son of Abdul Latif.

[No. 1 (1221)-58/Comp. III/Prop.]

KANWAR BAHADUR,  
Settlement Commissioner & Ex-Officio  
Dy. Secy.

(Office of the Chief Settlement Commissioner)

## ORDER

*New Delhi, the 4th February 1961*

**S.O. 354.**—In exercise of the powers conferred upon me by sub-section (1) of Section 8 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), I, S. W. Shiveshwarkar, Chief Settlement Commissioner do hereby authorise Shri H. P. Pandey, Assistant Settlement Officer working under the Regional Settlement Commissioner Rajasthan, Jaipur, to make payment of compensation to displaced persons out of the Compensation pool by transfer of allottable property or otherwise in accordance with the provisions of the Displaced Persons (Compensation & Rehabilitation) Rules, 1955

[No. F. 4(8)Comp/60.]

S. W. SHIVESHWARKAR,  
Chief Settlement Commissioner.

## MINISTRY OF LABOUR &amp; EMPLOYMENT

*New Delhi, the 2nd February 1961*

**S.O. 355 PWA/Sec. 15(1)/60.**—In exercise of the powers conferred by sub-section (1) of section 15 read with section 24 of the Payment of Wages Act, 1936 (4 of 1936), and in supersession of all previous notifications on the subject in so far as they relate to the areas, now comprised in the States of Gujrat and Maharastra, the Central Government hereby appoints every officer appointed by Governments of those States under the said sub-section (1) of section 15 in respect of any specified area within the said States, to be the authority to hear and decide all claims arising out of deductions from the wages, or delay in payment of the wages of persons employed, within that area, in railways or mines.

[No. Fac.21(325)56.]

**S.O. 356 PWA/14/Mines/1/61.**—In exercise of the powers conferred by sub-section (3) of section 14 read with section 24 of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour & Employment No. S.O. 1701/PWA/14/Mines/60, dated the 29th June, 1960, namely:—

In the said notification—

In item No. VI—

- (i) in entry 9, against Serial No. (xx) for the word "Barajamda" the word "Chaibasa" shall be substituted; and
- (ii) in entry 10, for the words "Kirkend", "Dhanbad", "Katrasgarh" and "Raniganj" the words "Kankharee" "Sinidih", "Bermo" and "Sijua" respectively, shall be substituted.

[No. Fac. 535(13)/61.]

**S.O. 357.**—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952) the Central Government hereby appoints Shri T. Gomer to be an Inspector, for the whole of the State of Kerala for the purposes of the said Act and of any scheme framed thereunder, in relation to an establishment belonging to, or under the control of the Central Government, or in relation to an establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 20(2)61-PF.I.]

*New Delhi, the 6th February 1961*

**S.O. 358.**—In pursuance of clause (c) of sub-paragraph (1) of paragraph 3 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour No. S.R.O. 1861, dated the 31st October, 1952, namely:—

In the said notification, for entry 8-B, the following entry shall be substituted, namely:—

"8-B. The Secretary to the Government of Mysore, Public Health, Labour and Municipal Administration Department, Bangalore."

[No. 10(10)/60-PF.II.]

**S.O. 359 PWA/Rlys./Rules/Am. (1)/61.**—In exercise of the powers conferred by sub-sections (2), (3) and (4) of section 26, read with section 24, of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby makes the following rules to further amend the Payment of Wages (Railways) Rules, 1938, the same having been previously published as required by sub-section (5) of the said section 26, namely:—

1. These Rules may be called the Payment of Wages (Railways) Amendment Rules, 1961.
2. In the Payment of Wages (Railways) Rules, 1938, in sub-rule (2) of rule 1, for the words and figures "or by a contractor employing on an average 20 or more persons daily in any one month in the preceding 12 months", the words and figures "or by a contractor who either employs 20 or more persons on any day or employed 20 or more persons on any day of the preceding 12 months" shall be substituted.

[No. 535/5/60-Fac.]

P. D. GAIHA, Under Secy.

*New Delhi, the 4th February 1961*

**S.O. 360.**—In exercise of the powers conferred by sub-section (1) of Section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri Inderjit Singh, an officer of the Office of the Chief Inspector of Mines, to be an Inspector of Mines subordinate to the Chief Inspector.

[No. 8/88/58-MI.]

A. P. VEERA RAGHAVAN, Under Secy.

*New Delhi, the 4th February 1961*

**S.O. 361.**—In pursuance of section 16 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government extends the term of appointment of Shri S. K. Chhibber, I.A.S., as Insurance Commissioner in the Employees' State Insurance Corporation for a period of 2 years with effect from the 7th August, 1960 (Forenoon).

[No. F. HI-5(5)/60.]

BALWANT SINGH, Under Secy.

*New Delhi, the 6th February 1961*

**S.O. 362.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the National Industrial Tribunal (Bank Disputes), Bombay, in the matter of an application dated 29th June 1960 from the Belgaum Bank Limited.

**BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL (BANK DISPUTES) AT BOMBAY**

MISCELLANEOUS APPLICATION NO. 220 OF 1960

in

REFERENCE NO. 1 OF 1960

The Belgaum Bank Limited, Belgaum—*Applicant.*

*Versus*

The workmen of the Belgaum Bank Limited—*Opponents.*

In the matter of an application dated 29th June 1960 regarding the memorandum of settlement registered under the Industrial Disputes Act, 1947, between the said Bank and its workmen.

**PRESENT:**

The Honourable Shri Justice Kantilal T. Desai, Presiding Officer, National Industrial Tribunal (Bank Disputes), Bombay.

**APPEARANCES:**

Shri N. V. Phadke, Advocate, for the Applicant-Bank.

Shri D. S. Nargolkar, Advocate, for the All India Bank Employees' Association.

**INDUSTRY: Banking.**

*Bombay, dated 20th January 1961*

### AWARD

1. The Belgaum Bank Limited filed an application for recording a settlement arrived at between the Belgaum Bank Limited and its workmen and has prayed that this National Tribunal should direct that the terms and conditions of service of the workmen of the Bank would continue to be governed by the said agreement. A copy of the memorandum of settlement is hereto annexed and marked Annexure 'A'. From the terms of the said settlement it appears that the same was to be in operation for a period of five years from 1st April 1958. It is stated in the application that the memorandum of settlement has been registered under the Industrial Disputes Act, 1947, between the Bank and its workmen.

2. Notices of the hearing of this application were served upon the Bank and its workmen. Notices were also served on the All India Bank Employees' Association and the All India Bank Employees' Federation.

3. Three workmen who were employees of the Belgaum Bank Limited filed a reply, alleging that the agreement had been signed by the members of the staff on the assumption that the cost of living would not vary and would normally remain unchanged, that since 1958 the cost of living had changed, that the dearness allowance of Rs. 35 on flat basis allowed to the employees was far too low in comparison with the rates of such allowance given by other Banks, that the dearness allowance needed a revision in view of the pressing price levels and that the

pay scales and other allowances and facilities should be fixed on the same basis on which the salary and allowances of their equals were fixed.

4. The All India Bank Employees' Association has filed a reply contending that the application was misconceived inasmuch as the Bank had not entered into any settlement with the workmen in respect where of a consent award could be sought and that the memorandum of settlement was unrelated to the existing dispute. The Association stated that it had been duly authorised by a section of the workmen of the Bank to represent them before this National Tribunal and annexed a letter of authority in favour of the Association signed by 19 employees of the Bank.

5. Several workmen have filed statements stating that their signatures to the memorandum of settlement were obtained under undue influence and misrepresentation and that their consent was not a free consent and was thereby revoked. It was further stated that they desired the matter to be decided by the National Tribunal and desired to be represented by the All India Bank Employees' Association whose statement of claim they adopted.

6. Thereafter applications have been filed by workmen withdrawing the objections filed through the All India Bank Employees' Association in which it is stated that they stood by the settlement for the period stipulated therein regarding wages, dearness allowance and other conditions of service arrived at between them and the management of the Bank and which had been acted upon from 1st April 1958 and that the application made by the Bank should be granted. They further stated that they had no dispute in respect of any other matter referred to the National Tribunal for decision.

7. On or about 24th October 1960 a settlement was arrived at between the Bank and its workmen in respect of all matters referred to this National Tribunal by the Central Government by its order dated 4th June 1960. I allowed the Bank to amend its original application by stating that since the date of the original application the Bank and its workmen had arrived at a complete settlement. A copy of the said settlement is hereto annexed and marked Annexure 'B'. The Bank prays that this settlement be recorded and an award be passed in terms thereof. It is stated that this settlement has been duly forwarded to the appropriate authorities referred to in section 2(p) of the Industrial Disputes Act, 1947, and rule 58, sub-rule (4) of the Industrial Disputes (Central) Rules, 1957.

8. Liberty was given to the other side to file its objections, if any, to the application as amended and the matter was adjourned for further hearing.

9. On 17th November 1960, 17 out of the aforesaid 19 employees addressed a letter to the Secretary of the All India Bank Employees' Association to withdraw all objections to the application of the Bank and to ask this National Tribunal to pass a consent award in terms of the settlement. As regards the remaining two employees, one has left the service of the Bank and the other is dead.

10. In the course of the hearing before me, it was contended by Shri Nargolkar on behalf of the All India Bank Employees' Association that I have no jurisdiction to record the settlement when the matters have been referred to me under the provisions of section 10(1A) of the Industrial Disputes Act, 1947. He urged that the Central Government had power under the provisions of sub-section (1A) of section 10 to refer a matter to a National Tribunal when it was of the opinion that any industrial dispute existed or was apprehended and the dispute involved any question of national importance or was of such a nature that industrial establishments situated in more than one State were likely to be interested in, or affected by, such dispute. He contended that the object of such reference was standardization of salaries, that it was not open to any of the parties to enter into a settlement and that such an object would be defeated by the settlements of the kind propounded before me, arrived at after the Reference has been made by the Central Government, if the same were recognised and an award was given in terms thereof. By the Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1959, the provisions of section 18(1) have been inserted whereunder it has been expressly provided that a settlement arrived at by agreement between the employer and workmen otherwise than in the course of conciliation proceeding shall be binding on the parties to the agreement. By the same amending Act the words "arrived at in the course of a conciliation proceeding under this Act" were omitted from section 19(1) of the Act, with the result that the present section 19(1) reads as follows:—

"19(1) A settlement shall come into operation on such date as is agreed upon by the parties to the dispute, and if no date is agreed upon, on

the date on which the memorandum of the settlement is signed by the parties to the dispute."

The Industrial Disputes Act, 1947, as amended, clearly recognises a settlement arrived at otherwise than in the course of a conciliation proceeding. The settlement before me has been arrived at otherwise than in the course of a conciliation proceeding. These provisions show that a settlement may be arrived at at any time even after a Reference has been made to a National Tribunal. If that settlement is a lawful settlement, there is no reason why effect should not be given to it and why an award should not be made in terms thereof.

11. It is urged by Shri Nargolkar that even though a settlement may be valid and binding as a settlement, no award should be made in terms thereof. He says that under the provisions of section 18(3) it is provided that an award of a National Tribunal which has become enforceable shall be binding not merely on the parties to the industrial dispute, but where a party is composed of workmen, all persons who were employed in the establishment or part of the establishment, as the case may be, to which the dispute relates on the date of the dispute and all persons who subsequently become employed in that establishment or part. I do not see any reason why if a lawful settlement is arrived at between the employer and all the workmen employed by him, no award should be passed in terms of such settlement.

12. In the result, I record the settlement arrived at between the Belgaum Bank Limited and its workmen on 24th October 1960 and make an award in terms thereof.

KANTILAL T. DESAI,  
Presiding Officer,

National Industrial Tribunal (Bank Disputes), Bombay.

#### ANNEXURE "A"

#### *Memorandum of Settlement*

#### NAMES OF PARTIES:

#### REPRESENTING EMPLOYER:

Shri Hanmant Sitaram Kulkarni, General Manager, Belgaum Bank Ltd.,  
Head Office, Belgaum.

#### REPRESENTING WORKMEN:

- (1)
- (2)
- (3)
- (4)
- (5)

Representatives of the Workmen employed under the Belgaum Bank Ltd.,  
elected for the purpose of signing the Memorandum of Settlement at  
a meeting specially convened for that purpose.

#### *Short recital of the case*

In January 1958, the workmen employed under the Belgaum Bank Ltd., approached the management of the said Bank with a demand for increase in the wages and dearness allowance. While the Bank was considering the demand, other Banks with resources similar to the Belgaum Bank Ltd., having their branches in the nearby area entered into settlements in respect of wages, dearness allowance, etc. The Bank offered terms to its employees more or less on the lines of those settlements and the same were adopted by the Board of Directors at their meeting held on 27th March 1958. The workmen of the Bank accepted the offer made by the Bank. The dispute having thus been settled among the parties themselves, this Memorandum of Settlement is entered into as contemplated by Section 2(L) of the Industrial Disputes Act, 1947.

#### *Terms of Settlement*

The following scales of pay and allowances are to continue for a period of five years from 1st April 1958 and are to come into force only after all the

employees of the Bank sign an agreement embodying their acceptance to the scales of pay and allowances mentioned as under:—

(i) **Pay Scales—**

(a) *Employees in Occupation A (Clerks)*

Rs. <u>55-4-95</u>	<u>-5-105</u>	E.B.- <u>5-145</u>
10 Yrs.	2 Yrs.	8 Yrs.

(b) *Employees in Occupation B (Peons)*

Rs. <u>30-1-40</u>	E.B. <u>14-55</u>
10 Yrs.	10 Yrs.

(c) *Employees in Agent's Grade*

Rs. <u>80-8-200</u>
15 Yrs.

} Yearly increments  
On 1st January every year.

All the employees at present in Agent's Grade will get an increment of Rs. 8 in their present pay on 1st April 1958.

(ii) **Allowances:**

(a) *Dearness Allowance:*

All the employees of the Bank shall be paid Rs. 35 as minimum dearness allowance from 1st April, 1958.

(b) *Accountant's Allowance:*

The Accountants not in Agent's Grade shall get Rs. 5 as Accountant's allowance from 1st April, 1958.

(c) *Allowances of employees in Agent's Grade*

All other allowances which are not being paid to the employees in Agent's Grade shall continue as before.

(d) *Allowances of employees in Occupation A & B:*

The allowances previously granted to some of the employees in these occupations shall continue as before.

(e) *Special allowances:*

C.A. I.I. B.	1st part	..	Rs. 5
C.A. I.I. B.	2nd part	..	Rs. 10
Cashiers		..	Rs. 10
Typists		..	Rs. 5

The employees shall be entitled to these allowances only after they pass the requisite examinations and only for the periods they work as Cashiers and Typists.

(iii) The scales of pay and the allowances as mentioned in Clauses (i) and (ii) above shall be operative from 1st April 1958.

(iv) This agreement shall remain in operation for a period of five years.

The parties have put their signatures to this Memorandum of Settlement at Belgaum on this the \_\_\_\_\_ day of March 1959.

**Witnesses**

Representing Workmen  
employed under The  
Belgaum Bank Ltd.

Signatures of Parties,

General Manager,  
representing Belgaum Bank Ltd.



ANNEXURE "B"

*Memorandum of Settlement*

NAMES OF PARTIES:—

REPRESENTING EMPLOYER:

Shri Hanamant Sitaram Kulkarni, General Manager, The Belgaum Bank Ltd., Head-Office, Belgaum.

AND

The Workmen of The Belgaum Bank Ltd., as set out in Exhibit A.

*Short Recital of the Case*

In January 1958, the Workmen employed under The Belgaum Bank Ltd., approached the Management of the said Bank with a Demand for increase in the wages and dearness allowance. While the Bank was considering the demand, other banks with resources similar to the Belgaum Bank Ltd., having their branches in the nearby area entered into settlements in respect of wages, dearness allowance etc. The Bank offered terms to its employees more or less on the lines of these settlements and the same were adopted by the Board of Directors at their meeting held on 27th March 1958. The Workmen of the Bank accepted the offer made by the Bank and accordingly settlements arrived at with the employees at all its branches and Head-Office are in force from 1st April 1958.

2. The Central Government by an order dated 21st March 1960, No. S.O. 705 read with Order dated the 4th June 1960, referred certain disputes between the Banking Companies and their workmen for adjudication. The Belgaum Bank Ltd., is a party to this reference.

The parties have come to an overall settlement the terms whereof are hereinafter set out.

*Terms of Settlement*

1. The Bank has agreed to pay and the workmen have agreed to accept a sum of Rs. 10 per month by way of an increase in the dearness allowance being payable to all the categories of Workmen of the Bank at the Head-Office and in all the Branches of the Bank in all the areas along with their usual monthly emoluments with effect from 1st July, 1960.

(2) The arrears of the aforesaid increase in dearness allowance in respect of the period, 1st July 1960 to 30th September 1960, has been paid to the Workmen on the 15th October 1960.

(3) The Bank has agreed to pay and the Workmen have agreed to accept each half year an overduy allowance for the work on 30th June and 31st December each year to the clerks and the members of the subordinate staff at the rate of Rs. 10 and Rs. 5 each respectively.

(4) The parties hereby confirm and adopt the various settlements in force at the Head-Office and different branches in effect from 1st April 1958—all the said settlements are in identical terms and a specimen copy is hereto annexed. Copies of the same have been submitted to the Appropriate Government under Section 2(p) of the Industrial Disputes Act.

(5) In view of the above, the Workmen have withdrawn all their demands including those now referred to the National Industrial Tribunal (Bank Disputes) by the Government being References No. 1 of 1960.

(6) This agreement is without prejudice to the Reference relating to Bonus and pending before the National Industrial Tribunal (Bank Disputes) being Reference No. 3 of 1960.

(7) This Settlement will be binding upon the parties and shall remain in force till 1st April, 1963.

(8) The General Manager has put his signature to this Memorandum of Settlement at Belgaum on 24th day of October 1960.

(9) The Workmen of the Head-Office and of all, Branches of the Belgaum Bank Ltd., have put their signatures at places and dated mentioned against their names and signatures appended herein.

For The Belgaum Bank Ltd.,

Sd/- H. S. KULKARNI,  
General Manager.

Witnesses:—

- 1.
- 2.

Witnesses	Name of Employee	Place	Date	Signatures
1. _____	_____	_____	_____	_____

[No. 10(140)/60-LRIV.]

*New Delhi, the 7th February 1961*

**S.O. 363.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following awards of the National Industrial Tribunal (Bank Disputes) Bombay, in the matter of applications under section 33A of the said Act from certain workmen of the Punjab Co-operative Bank Limited, Amritsar, Central Bank of India Limited, Hyderabad and Bombay, respectively.

**BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL (BANK DISPUTES) AT BOMBAY.**

**COMPLAINT No. 15 OF 1960.**

**IN**

**REFERENCE No. 1 OF 1960.**

Kishan Chand Bahl, C/o. The Punjab Co-operative Bank Employees Union.

797/11 Chowk Paslon, Amritsar

*Complainant.*

*Versus*

The Punjab Co-operative Bank Ltd., Hall Bazar, Amritsar

*Respondent.*

In the matter of a complaint u/s. 33A of the Industrial Disputes Act, 1947, dated 19th July 1960.

**PRESENT:**

The Honourable Shri Justice Kantilal T. Desai, Presiding Officer, National Industrial Tribunal (Bank Disputes), Bombay-1.

**APPEARANCES:**

Shri K. Mandal with Shri Pyare Lal for the Complainant.

Shri N. R. Pandia, Advocate, for the Respondent-Bank.

**INDUSTRY: Banking.**

*Bombay, dated 23rd January 1961*

#### AWARD

1. The complainant has filed this complaint under section 33A of the Industrial Disputes Act, 1947, against the Punjab Co-operative Bank Limited, the respondent herein. By the complaint the complainant challenges the legality of the order of the bank passed against the complainant on 21st May 1960. The said order runs as under:—

"Due to your having attained the age of superannuation the Board of Directors have decided that you should be retired from the Bank's service with effect from 1st September 1960".

The complainant has attained the age of 56 years. He says that under the provisions of the Sastry Award he was not compellable to retire before attaining the age of 58 years. The Sastry Award provides that "after the workmen has reached the age of 55 years he may be retired after giving him 2 months' notice in writing in case his efficiency is found by the employer to have been impaired, subject to this rule and also subject to any rule under an existing pension fund the workmen should not be compelled to retire before he is 58 years old". The respondent bank does not allege that the efficiency of the complainant has been found to have been in any way impaired.

2. The bank had filed an application before me being Application No. 12 of 1960 against the complainant purporting to do so under sub-section (1) of section 33 of the Industrial Disputes Act, 1947, for permission to retire the complainant on 24th September 1960. This complaint was heard along with the said application. All the facts in connection with both the matters and all the arguments advanced on either side have been dealt with by me in my order, dated 24th September 1960, a copy whereof is hereto annexed. I have there held that an employee could not be retired from the bank before he is 58 years old unless his efficiency is found by the bank to have been impaired and that permission to retire the complainant could not be granted.

3. For the reasons given by me in the said order, I hold that the order passed by the bank on 21st May 1960 is not valid in law and that the respondent-bank is not entitled to retire the complainant in pursuance thereof. I direct the respondent-bank to pay to the complainant a sum of Rs. 150/- by way of costs.

KANTILAL T. DESAI,  
Presiding Officer,  
National Industrial Tribunal  
(Bank Disputes), Bombay-1.

#### ANNEXURE

BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL (BANK DISPUTES) AT BOMBAY.

APPLICATION No. 12 OF 1960

IN

REFERENCE No. 1 OF 1960.

The Punjab Co-operative Bank Ltd., Hall Bazar, Amritsar. *Applicant.*

*Versus*

Shri L. Kishen Chand, through the Punjab Co-operative Bank Employees' Union, Amritsar. *Opponent.*

In the matter of an application under section 33(1) of the Industrial Disputes Act, 1947, dated 20th July 1960.

PRESENT:

The Honourable Shri Justice K. T. Desai, Presiding Officer, National Industrial Tribunal (Bank Disputes), Bombay.

APPEARANCES:

Shri N. R. Pandia, Advocate for the Applicant-Bank.

Shri K. Mandal with Shri Pyarelal for the Opponent.

INDUSTRY: Banking.

Bombay, dated 24th September 1960

#### ORDER

1. This is an application under sub-section (1) of Section 33 of the Industrial Disputes Act, 1947, (14 of 1947), for permission to retire on 24th September 1960 Shri L. Kishen Chand, the opponent, who has attained the age of 56 years.

2. The application is as follows:—

The Opponent has elected to be treated as a workmen on 19th January 1956. He is in the service of the Applicant-Bank for the last 16 years and, including his service in other Banks, his total period of service is about 35 years.

3. The Applicant-Bank has no certified standing orders. The Industrial Employment (Standing Orders) Act, 1946, does not apply to the Applicant-Bank as it employs less than one hundred persons.

4. Quoting paragraphs 513 and 514 of the Shastry Award, it is contended that the directions given in paragraph 514 of the Shastry Award should be treated as an *obiter-dicta* and not binding on the Applicant-Bank, as the Shastry Tribunal had granted relief in excess of what had been demanded by the workmen as seen from paragraphs 513 and 514 of the Award. It is further contended that even if the Shastry Award was applicable to the present case, the said Award, as ultimately amended, was made binding specifically for five years only by the Industrial Disputes (Banking Companies) Decision Act, 1955, and that the said period had ended on 31st March 1959 and thus the expired law had no force now, particularly as the workmen's Union itself had terminated it. The Applicant-Bank further says that its action is motivated by the desire to retire employees on account of age only; it does not allege any misconduct or ill-health of the Opponent. Lastly, it is stated that this Application for specific permission to retire, the opponent, was sought as an act of abundant caution as adjudication proceedings were pending, although it was not a case of dismissal or discharge and was only a case of retirement.

5. The Opponent, in his reply, states that he had attained the age of 56 years, that no superannuation age has been fixed by the Applicant-Bank for its workmen, except what is laid down in the Shastry Award in paragraphs 513 and 514 read together, that the termination of the Award does not have the effect of extinguishing the rights of workmen flowing therefrom, and that the opponent cannot be asked to retire before he attains the age of 58. He alleges that the application is not *bona fide* and that the Applicant-Bank wants to get rid of the opponent who is the President of the Bank Employees Union to victimize him for his trade union activities. It is also alleged that no other workman had so far been retired on this ground and that there were atleast two other employees whose age was above 55 years namely, (1) Shri Madan Lal aged 60 Cashier at Jullundur and (2) Shri Manohar Lal, aged 60, peon at Delhi.

6. The Opponent, therefore, prays that the Bank's Application be dismissed with costs.

7. This matter came up for hearing on 25th September, 1960 when the parties were represented as mentioned above.

8. On hearing the arguments of the parties it appears that the decision of the case rests upon the following two issues:—

(1) Whether Shastry's Award was still in force.

(2) If so whether the Shastry Tribunal was justified in awarding the age of 58 years as the age of retirement except in the circumstances mentioned in para 514.

9. With regard to the first issue, the opponent workman has referred to the decision of the Bombay High Court in Special Civil Applications Nos. 176, 177, and 178 and 179 of 1956 dated 25th February, 1956 published in Labour Law Journal, Vol. II—1957 page 256. In this judgement, their Lordships have said that "the termination of the award has not the effect of extinguishing the rights flowing therefrom". In view of this judgment there is no doubt that the rights flowing from the Shastry Award, even though it has been terminated by the employees from 25th June, 1959, will not be extinguished or wiped out and the terms of the Shastry Award will continue to be applicable to the Bank employees (including the employees of the Punjab Co-operative Bank) till such time as they are replaced by another contract of service. In this particular case, therefore, the Opponent workman will continue to be governed by the award of the Shastry Tribunal in the matter of age of retirement in paragraph 514.

10. It is argued by the Applicant-Bank that the Shastry Tribunal was not justified in awarding 58 years as the age of retirement. In this connection a reference to paragraphs 513 and 514 dealing with the age of retirement reveals that while the All India Bank Employees Association demanded that all employees should be compulsorily retired on the completion of the 30 years of service or 55 years whichever is earlier, another Association *viz.* The Imperial Bank Staff Association, suggested that no workman should be retired unless he completed 58 years of age. The Tribunal, after considering these demands and various aspects of the matter,

directed that "after the workman has reached the age of 55 years he may be retired after giving him 2 months' notice in writing in case his efficiency is found by the employer to have been impaired; subject to this rule and also subject to any rule under an existing pension fund the workman should not be compelled to retire before he is 58 years old". The Shastri Tribunal, therefore, decided that retirement age for a person whose efficiency has not been impaired is 58 years. The Tribunal was fully entitled to make such an award. The award of the Tribunal about the age of retirement is a direction and not an *obiter-dicta*.

11. The Applicant Bank has asked for permission to retire L. Kishen Chand, the opponent-workman only on account of the fact that his age was 56 years. In view of the fact that the Shastri Award is still in force and that according to that Award, an employee in a Bank cannot be retired before he is 58 years old unless his efficiency has been impaired, I hold that the Applicant-Bank has not been able to establish its case and therefore permission to retire L. Kishen Chand on 24th September, 1960 cannot be granted and this Application must fail.

12. I further direct that the Applicant-Bank should pay to the Opponent Rs. 150/- by way of costs.

Sd/- KANTILAL T. DESAI,

Presiding Officer,  
National Industrial Tribunal,  
(Bank Disputes), Bombay.

BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL (BANK DISPUTES)  
AT BOMBAY

COMPLAINT No. 32 OF 1960

IN

REFERENCE No. 1 OF 1960

Shri A. Adishesha Rao, House No. 1/136, Hydersaheb Front Gate,  
Fort, Kurnool (A.P.)—*Complainant*.

*Versus*

The Central Bank of India Ltd., Bank Street, Hyderabad  
(A.P.)—*Respondent*.

In the matter of a Complaint under-section 33A of the Industrial Disputes Act, 1947, dated 10th September, 1960.

PRESENT:

The Honourable Shri Justice Kantilal T. Desai Presiding Officer, National Industrial Tribunal (Bank Disputes), Bombay.

APPEARANCES:

Shri K. Mandal *for the Complainant*.

Shri N. V. Phadke with Shri P. Devitre *for the Respondent-Bank*.

INDUSTRIES: Banking.

Bombay, the 23rd January 1961

AWARD

1. The Complainant has filed a complaint under section 33A of the Industrial Disputes Act, 1947. Long prior to the complaint, the respondent bank had filed an application, being Application No. 7 of 1960, for approval of the action of the bank in dismissing the complainant under section 33(2)(b) of the Industrial Disputes Act, 1947. This complaint was heard along with the aforesaid application. The facts in connection with this complaint have been set out in the order which I have passed in connection with the said application. The contentions advanced in connection with this complaint have also been dealt with by me in connection with that application. A copy of the order passed on the said application is hereto annexed.

2. For the reasons given by me in the said order I have given my approval to the action of the respondent bank in dismissing the complaint. There is no contravention of the provisions of section 33 of the Industrial Disputes Act, 1947. In the result, the complaint fails and is dismissed.

KANTILAL T. DESAI,

Presiding Officer, National Industrial Tribunal,  
(Bank Disputes), Bombay-1.

## ANNEXURE

## BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL (BANK DISPUTES) AT BOMBAY

APPLICATION No. 7 of 1960

IN

REFERENCE No. 1 of 1960

The Central Bank of India Ltd., Hyderabad, (A.P.)—Applicant.

Versus

Shri A. Adishesha Rao, Hyder Sahib Front Gate, Fort, Kurnool (A.P.)—Opponent.

In the matter of an Application u/s. 33(2) of the Industrial Disputes Act, 1947, dated 29th June, 1960.

## PRESENT:

The Honourable Shri Justice Kantilal T. Desai Presiding Officer, National Industrial Tribunal (Bank Disputes), Bombay-1.

## APPEARANCES:

Shri N. V. Phadke, Advocate with Shri P. Devitre—for the Applicant-Bank.

Shri K. Mandal—for the Opponent.

INDUSTRIES: Banking.

Bombay, the 5th November 1960

## ORDER

1. This is an Application made by the Central Bank of India Ltd., under sub-section 2(b) of Section 33 of the Industrial Disputes Act, 1947, for the approval of the action of the Bank against the Opponent, namely that of dismissal of the opponent from the service of the Applicant-Bank.

2. The Applicant's case is as follows:—

The Opponent was employed as a godown-keeper at Adoni. Because of his experience in the stocking of loose kappas, he was transferred to Warangal sub-branch as a godown-keeper and put in charge of stocks pledged to the bank by a party inside the godowns in the party's compound. As a godown-keeper it was his duty to have the stocks weighed and stored in the godowns in his presence. He did not actually weigh the stocks and yet represented to and assured the Officers of the Warangal Office of the Bank and the visiting inspectors of godowns that the loose stocks of kappas were actually weighed and filled in the godowns in his presence and that he had forwarded lodgement forms, stock statements and his certificates in connection with the stocks only after satisfying himself about the quantity by weight of such stocks.

3. When deliveries were effected from the godowns heavy shortages as detailed below were detected in respect of the stocks of commodities pledged to the Bank and stored inside the six godowns under the sole custody of the Opponent.

Godown No.	Stock of kappas as per Shri Adishesha Rao's Report	Actually found at the time of delivery
3	1,105 pallas	457 pallas
6	2,150 „	815 „ & 90 srs.
8	830 „	394 „ & 68 srs.
11	752 „	323 „ & 107 srs.
14	520 „	206 „ & 103 srs.
<i>Stock of unshelled groundnuts (loose)</i>		
5	531 Pallas	269 pallas

In this connection enquiries were held against four persons including the Opponent. As the explanation of the Opponent was unsatisfactory, he was charge-sheeted on

2nd April, 1960. The following is the summary of the four charges framed against the Opponent:—

- (i) Considerable shortages were detected in the pledged stocks of loose kappas and groundnuts inside the godowns placed in the custody of the opponent who had assured (a) all the Officers of the Inspectorate staff and the Warangal Sub-Agent that he had accepted such stocks for lodgement only after weighment in his presence and (b) that he had forwarded lodgement forms, stock statements and his certificates after having satisfied himself about the quantity by weight of such stocks.
- (ii) The Opponent had failed to produce the necessary register showing the daily arrivals and weights of kappas and other commodities.
- (iii) The Opponent had deliberately applied a defective formula in respect of storage of loose kappas although he was aware of the correct formula as he had worked at Adoni only a few months earlier where he had experience of such stocks of loose kappas in godowns and the application of correct formula and had submitted false stock reports inflating the quantity and value of the stocks by over three hundred per cent.
- (iv) The Opponent had neglected his legitimate duties in safe-guarding the Bank's interests and had acted in a manner detrimental and prejudicial to the Bank's interest:

4. An enquiry was held lasting over several days. The Enquiry Officer found the Opponent guilty in respect of all the four charges and proposed the infliction of the punishment of dismissal. A show cause Notice was issued to the Opponent intimating to him the proposed punishment of dismissal. After hearing him again, the final order of dismissal was passed on 29th June, 1960. He was paid one month's wages and this application was made to this National Tribunal for approval of the action. During the pendency of this application the opponent filed an appeal before the appellate authority. The appellate authority on 24th August, 1960 upheld the Order of the Enquiry Officer dated 29th June, 1960 and dismissed the appeal.

5. In his reply the opponent has contended that the application is not maintainable in law. It is contended that the effective order of dismissal is the order passed by the appellate authority on 24th August, 1960 and that the present application is not maintainable. In reply, reliance was placed upon the case reported in A.J.R. 1958 S.C. p 26; *The State of UP Vs Mohammed Nooh*: In that case the Supreme Court has observed that an order of dismissal passed on a departmental enquiry by an officer in the department and an order passed by another officer next higher in rank dismissing an appeal therefrom and an order rejecting an application for revision by the head of the department could hardly be equated with any propriety with decrees made in a civil suit under the Code of Civil Procedure by the Court of first instance and the decree dismissing the appeal therefrom by an appeal Court and the order dismissing a revision petition by a yet higher court. The Supreme Court in that case held that the original order of dismissal was not suspended by the presentation of an appeal and that its operation was not interrupted when the appellate authority simply dismissed the appeal from that order. It further held that the original order of dismissal was operative on its own strength and that it did not gain any greater efficacy from the subsequent orders of dismissal of the appeal or revision except for certain specific purposes. The effective operative order in the present case is the order of dismissal dated 29th June 1960 passed by the Enquiry Officer. That order was not suspended during the pendency of the appeal. The appellate authority merely upheld the order of the Enquiry Officer, dated 29th June, 1960 and dismissed the appeal. Having regard to the decision of the Supreme Court referred to above, the contention of the opponent about the maintainability of the application must fail.

6. A number of contentions have been raised dealing with the merits of the matters in issue before the Enquiry Officer and arguments have been advanced as if this National Tribunal was the appellate authority sitting in appeal against the decision of the Enquiry Officer. This National Tribunal is not constituted an appellate authority in dealing with applications under section 33 of the Industrial Disputes Act, 1947. It is not necessary for me to set out the numerous contentions advanced in this connection. A very detailed and lengthy enquiry was conducted by the Enquiry Officer and on the evidence led before him, he came to the conclusion that the charges levelled against the opponent were established. There is enough material on the record on which such findings could be arrived

at and the Enquiry Officer was entitled to hold the opponent guilty of the charges levelled against him. I have to consider whether there is a *prima facie* case established against the opponent and whether there is evidence which, if accepted, is sufficient to justify the findings. I have also to consider whether the findings of the Enquiry Officer could be regarded as perverse. In my view, a *prima facie* case has been made out against the opponent. There is enough evidence on the record to warrant the findings of the Enquiry Officer. The Enquiry Officer having considered the evidence led before him has given his findings in respect of the charges levelled against the opponent. The findings could in no sense be considered as perverse. The Enquiry Officer on the evidence led before him formed the opinion that the opponent was an extremely intelligent man, but unfortunately also dishonest, as his intelligence had been put to perverse use and it was dangerous to permit him to continue in the bank's service and that he merited the maximum punishment of dismissal.

7. The opponent has in the course of his reply pleaded that the Enquiry Officer had no jurisdiction to conduct the enquiry as the authority conferred on him to try the case had not been either notified or exhibited at the commencement of the proceedings. This plea is a plea without any merit. The charge-sheet has been signed by the Accountant of the bank and it is stated in terms that an enquiry would be held on the charges therein specified by Shri P.A. DeVitre, Chief Agent, and the opponent was asked to appear before the Enquiry Officer on the date and time therein specified. It was further stated therein that if he refused to appear, the enquiry might be deemed *ex-parte* and the findings of the Enquiry Officer would be binding on the opponent.

8. In the course of his reply the opponent has alleged that the enquiry held by the Enquiry Officer was nothing but a farce. The record shows that far from being a farce, it was a very detailed enquiry. The written record thereof extends to several scores of pages.

9. The opponent has further urged that the Enquiry Officer throughout acted with bias and prejudice and that all the findings arrived at by him were based on nothing but preconceived, precluded notions. There is no substance in this contention. No evidence was led or pointed out which would show any bias or prejudice or any preconceived or precluded notions.

10. It was alleged that full opportunity was not given to the opponent in connection with his defence. I have seen the record and I find that there is no substance in this contention.

11. It is alleged that the Enquiry Officer was under the influence of one Maniam and that the enquiry was vitiated by reason thereof. This plea is equally without any substance. There is no evidence to justify this allegation.

12. It is alleged that the order of dismissal was passed in order "to victimise the movement of Trade Unions". There is no evidence in connection therewith and this plea is without substance.

13. The opponent has resorted to the plea that others who were connected with the subject matter of the charges were let off scot free. This is hardly any answer to the findings in connection with the guilt of the opponent.

14. There are procedural irregularities alleged. I do not find any such irregularities which would vitiate the enquiry. In my view, rules of natural justice have been observed in this case.

15. In my view, there is a *prima facie* case made out against the opponent and this is a fit case in which I should accord my approval to the action of the applicant-bank in dismissing the opponent and I accordingly give such approval.

KANTILAL T. DESAI,

Presiding Officer,

National Industrial Tribunal (Bank Disputes), Bombay-1.



BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL (BANK DISPUTES)  
AT BOMBAY

COMPLAINT No. 51 OF 1960

IN

REFERENCE No. 1 OF 1960

Shri Ram Kishan Jain, Ex-Temporary Additional Godownkeeper, Central Bank of India Ltd., Jind Outstation, Hansi (Punjab)—*Complainant*.

*Versus*

The Central Bank of India Ltd., Head Office, Bombay—*Respondent*.

In the matter of a complaint under section 33A of the Industrial Disputes Act, 1947, dated 10th October 1960.

**PRESENT:**

The Honourable Shri Justice Kantilal T. Desai, Presiding Officer, National Industrial Tribunal (Bank Disputes), Bombay-1.

**APPEARANCES:**

Shri K. Mandal *for the Complainant*,

Shri R. P. Oberoi *for the Respondent-Bank*.

**INDUSTRY: Banking.**

*Bombay, dated 23rd January 1961.*

**AWARD**

1. By this complaint the complainant has prayed that he should be reinstated and restored in the service of the respondent-bank without break in service, with full arrears of wages/salaries upto the date of resumption of duty and for compensation for the breach of section 33 of the Industrial Disputes Act.

2. This complaint was heard along with the application filed by the Bank, being application No. 10 of 1960, under section 33(2)(b) of the Industrial Disputes Act, 1947. The facts in connection with this matter have been set out in the order passed by me in regard to that application. A copy of the said order is hereto annexed. All the arguments urged in connection with this complaint have also been dealt with therein. For the reasons stated in the said order, I have given my approval to the action of the bank in discharging the complainant from the service of the bank. The bank has not acted in contravention of the provisions of section 33 of the Industrial Disputes Act.

3. In the result, the complaint fails and is dismissed.

KANTILAL T. DESAI,

Presiding Officer,  
National Industrial Tribunal,  
(Bank Disputes), Bombay-1.

**ANNEXURE**

BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL (BANK DISPUTES)  
AT BOMBAY

APPLICATION No. 10 OF 1960

IN

REFERENCE No. 1 OF 1960

The Central Bank of India Ltd., Bombay—*Applicant*.

*Versus*

Shri Ram Kishan Jain, Temporary Additional Godownkeeper of Jind Outstation, Hansi, Punjab—*Opponent*.

In the matter of an Application under section 33(2)(b) of the Industrial Disputes Act, 1947, dated 9th July, 1960.

**PRESENT:**

The Honourable Shri Justice Kantilal T. Desai, Presiding Officer, National Industrial Tribunal, (Bank Disputes), Bombay-1.

## APPEARANCES:

Shri R. P. Oberoi, *for the Applicant.*

Shri K. Mandal, *for the Opponent:*

INDUSTRY: Banking.

Bombay, dated 15th October, 1960.

## ORDER

1. This is an application under sub-section (2)(b) of Section 33 of the Industrial Disputes Act, 1947, for approval of the Applicant Bank's action, namely that of discharge from Bank's service of the opponent Ram Kishan Jain, temporary additional godownkeeper of Jind Outstation under Hansi Office of the Bank.

2. The Applicant's case is that the opponent-workmen was working in the Bills Purchased Department at the Hansi Office of the applicant. On 26th February 1960 he purchased a documentary bill from M/s. Deep Chand Lal Chand for Rs. 7835.92 even though the railway receipt covering the bill was of doubtful value. He entered it in the bills purchased register and "gave the amount of the bills purchased on the cheque" and thus enabled the borrower to draw monies from the Bank against bills of doubtful nature. It was also alleged that the opponent had divulged the position of the account of the above named party to an outsider which the said party had resented. The explanation of the opponent in this respect was found unsatisfactory and a departmental enquiry was held on 31st May 1960. During the enquiry the charge of purchasing the documentary bill from M/s. Deep Chand Lal Chand and of enabling the borrower to draw money from the Bank against bills, of doubtful nature was proved by the statements of witness and records of the Bank. The Enquiry Officer intimated to the Opponent about the proposed punishment of discharging him from the service of the Bank and gave him an opportunity of stating whatever he had to say in connection therewith. The opponent's reply was considered and the Enquiry Officer ultimately decided to discharge the opponent from service with effect from 11th July 1960 after paying him wages for one month. An application has been made to this National Tribunal for the approval of the action of the applicant.

3. In his reply numerous contentions have been raised by the opponent. He contends that he was transferred to Jind immediately prior to the institution of the enquiry with a view to deprive him of a fair opportunity of defence in relation to the alleged incident which related to Hansi. There is no evidence to establish this fact. It cannot be inferred that the opponent was transferred with a view to deprive him of any opportunity of defence.

4. The opponent denied that he had purchased any bill from any customer and has attempted to show that he did not in fact purchase any bill from any customer. The Enquiry Officer has accepted the evidence of numerous witnesses led before him in this connection and has come to the conclusion that the bill was purchased by the opponent. There being evidence on the subject, which the Enquiry Officer was entitled to accept, I cannot be called upon to sit in appeal against his decision on the subject.

5. The opponent has contended that the original railway receipt had not been produced in the course of the enquiry proceedings. He contends that the allegation that the railway receipt was of a doubtful value had not been established. There is no substance in this contention. The opponent has attempted to throw the responsibility in connection with such railway receipt on the officer in charge of the Bank at Hansi. In his letter, dated 18th March 1960, addressed to the officer in charge at Hansi the opponent has stated that he had thoroughly checked the bill along with the railway receipt when the same was presented to him and that he had noticed that the railway receipt attached with the bill was "quite a bogus one". He further stated that at that very moment he brought the fact to the notice of the officer in charge, but in spite of such fact being brought to the notice of the officer in charge, the officer instructed him to purchase the bill and that he had purchased the same because he could not disobey the orders of the officer in charge. By another letter, dated 28th March 1960, addressed to the officer in charge of the Bank at Hansi the opponent again stated that the "bogus railway receipt of party" was brought to the notice of the officer in charge by him before purchasing the bill and that after the verbal consent and assurance by the officer in charge that the bill was of a genuine nature and should be accepted that he could not dare to disobey the orders of the officer in charge and had accepted the bill.

Evidence of various witnesses was led before the Enquiry Officer. The Enquiry Officer has disbelieved the version of the opponent that he had informed the officer in charge that the railway receipt was a bogus one or that he had been instructed to purchase the bill. The Enquiry Officer was entitled to do so.

6. It was contended on behalf of the opponent that the findings of the Enquiry Officer were perverse. There is enough evidence to substantiate the charge levelled against the opponent. The findings of the Enquiry Officer are substantiated by evidence and the same are in no sense perverse. There is ample evidence to support the findings.

7. A large number of contentions have been urged in connection with the merits of the charge levelled against the opponent without regard to the fact that in connection with an application under section 33, this National Tribunal is not sitting as an appellate authority and it is not necessary for me to deal with the same.

8. After the present application was made on 9th July, 1960, on 12th October 1960 the opponent filed a complaint, being complaint No. 51 of 1960, before me under section 33A of the Industrial Disputes Act, 1947. The bank waived notice of the complaint and the same was heard along with the present application. It was agreed that all the papers filed in connection with application No. 10 of 1960 should be treated as filed and exhibited also in connection with this complaint. In the complaint it was contended that the "exact nature of the charge was not specified therein (charge-sheet) as to whether the charge is one of (a) offence (b) gross misconduct and (c) minor misconduct, under standing orders—para 521 of the Sastri Award." In my view, the charge as framed is not in any way improper or defective and contains all the requisite particulars. It was then urged that there was denial of natural justice. Nothing has been shown which can be regarded as amounting to a denial of natural justice. Want of good faith is alleged, but no evidence has been led in connection therewith.

9. In my view, a *prima facie* case has been made out against the opponent. This is a fit case in which I should accord my approval to the action of the applicant bank in discharging the opponent from its service and I accordingly give such approval.

KANTILAL T. DESAI,  
Presiding Officer,

National Industrial Tribunal, (Bank Disputes), Bombay-1.

[No. 10(125)/60 LRII.]

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#### ORDER

New Delhi, the 6th February 1961

**S.O. 364.**—Whereas the Central Government is of the opinion that an industrial dispute concerning a major port exists between the employer in relation to M/S. B. J. Khona at Cochin and their workmen regarding the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the dispute for adjudication:

Now, therefore, in exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri K. N. Kunjukrishna Pillai as the Presiding Officer, with headquarters at Ernakulam and refers the said dispute to the said Tribunal for adjudication.

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**SCHEDULE**

1. Whether Para 152 of the Award of the Central Government Industrial Tribunal Madurai dated 4th February 1954 published in the Gazette of India Extraordinary Part II Section 3 dated 29th day of March 1954 contemplates that all transhipment work from barges to lighters and *vice versa* is the work normally to be done by head load workers.
2. If the head load workers are entitled to the work, to what relief they are entitled

[No. 28/53/59/LR.IV.]

G. JAGANNATHAN, Under Secy.